

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Casey McCann	Team: Squad #11	CCRB Case #: 201808753	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 10/16/2018 6:44 PM	Location of Incident: § 87(2)(b) 44th Precinct stationhouse	Precinct: 44	18 Mo. SOL 4/16/2020	EO SOL 12/1/2020	
Date/Time CV Reported Sat, 10/20/2018 9:58 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sat, 10/20/2018 9:58 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
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§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
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§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Jorge Flores	07680	954816	044 PCT
2. POM Vincent Mauro	18615	958892	044 PCT
3. POM Gregory Piro	23344	962696	044 PCT
4. POM Anthony Perlmutter	25052	962683	044 PCT
5. SGT Michael Bowman	00818	939932	044 PCT
6. An officer			044 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Michael Bowman	Abuse: Sergeant Michael Bowman entered § 87(2)(b) in the Bronx.	§ 87(2)(b)
B.POM Gregory Piro	Force: Inside of § 87(2)(b) in the Bronx, Police Officer Gregory Piro pointed his gun at § 87(2)(b).	§ 87(2)(b)
C.POM Gregory Piro	Abuse: Police Officer Gregory Piro searched § 87(2)(b) in the Bronx.	§ 87(2)(b)
D.POM Vincent Mauro	Abuse: Police Officer Vincent Mauro searched § 87(2)(b) in the Bronx.	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
E.POM Gregory Piro	Off. Language: Inside of § 87(2)(b) in the Bronx, Police Officer Gregory Piro made remarks to § 87(2)(b) based upon the gender of § 87(2)(b)	
F.POM Jorge Flores	Discourtesy: Inside of § 87(2)(b) in the Bronx, Police Officer Jorge Flores spoke discourteously to § 87(2)(b)	
G.POM Anthony Perlmutter	Discourtesy: Outside of § 87(2)(b) in the Bronx, Police Officer Anthony Perlmutter spoke discourteously to § 87(2)(b)	
H.POM Vincent Mauro	Abuse: Outside of § 87(2)(b) Police Officer Vincent Mauro interfered with § 87(2)(b)'s use of a recording device.	
I.POM Vincent Mauro	Abuse: Outside of § 87(2)(b) in the Bronx, Police Officer Vincent Mauro threatened to arrest § 87(2)(b)	
J. An officer	Abuse: At § 87(2)(b) in the Bronx, an officer stopped an individual.	
K. An officer	Abuse: At § 87(2)(b) in the Bronx, an officer frisked an individual.	
L. An officer	Abuse: At § 87(2)(b) in the Bronx, an officer searched an individual.	
M.POM Gregory Piro	Discourtesy: En route to the 44th Precinct stationhouse, Police Officer Gregory Piro spoke discourteously to § 87(2)(b)	
N.POM Vincent Mauro	Discourtesy: At the 44th Precinct stationhouse, Police Officer Vincent Mauro spoke discourteously to § 87(2)(b)	
O.POM Gregory Piro	Discourtesy: At the 44th Precinct stationhouse, Police Officer Gregory Piro spoke discourteously to § 87(2)(b)	
P. An officer	Off. Language: In the basement of § 87(2)(b) in the Bronx, an officer used offensive language toward § 87(2)(b)	
Q. An officer	Discourtesy: In the basement of § 87(2)(b) in the Bronx, an officer spoke discourteously to an individual.	
R. An officer	Off. Language: In the basement of § 87(2)(b) in the Bronx, an officer made remarks to an individual based upon the gender of an individual.	
S.POM Anthony Perlmutter	Off. Language: In the basement of § 87(2)(b) in the Bronx, Police Officer Anthony Perlmutter made remarks to § 87(2)(b) based upon the perceived sexual orientation of § 87(2)(b)	
T.SGT Michael Bowman	Abuse: Outside of § 87(2)(b) in the Bronx, Sergeant Michael Bowman damaged § 87(2)(b)'s property.	
U.SGT Michael Bowman	Abuse: Outside of § 87(2)(b) in the Bronx, Sergeant Michael Bowman seized § 87(2)(b)'s property.	
V.POM Vincent Mauro	Abuse: At § 87(2)(b) in the Bronx, Police Officer Vincent Mauro seized § 87(2)(b)'s property.	

Case Summary

On October 20, 2018, § 87(2)(b) filed this complaint with the CCRB online.

On October 16, 2018, at approximately 6:44 p.m., Sergeant Michael Bowman, Police Officer Gregory Piro, Police Officer Vincent Mauro, Police Officer Jorge Flores, and Police Officer Anthony Perlmutter, all of the 44th Precinct, addressed a crowd of individuals, including § 87(2)(b) and § 87(2)(b) that were smoking hookah outside of § 87(2)(b) in the Bronx. Sgt. Bowman authorized the entry into § 87(2)(b) in the Bronx (**Allegation A: Abuse of Authority**, § 87(2)(g)). PO Piro pointed his gun at § 87(2)(b) (**Allegation B: Force**, § 87(2)(g)). PO Piro and PO Mauro searched § 87(2)(b) in the Bronx (**Allegations C and D: Abuse of Authority**, § 87(2)(g)). Inside of § 87(2)(b) in the Bronx, PO Piro used offensive language toward § 87(2)(b) § 87(2)(b)'s mother (**Allegation E: Offensive Language**, § 87(2)(g)). Inside of § 87(2)(b) in the Bronx, PO Flores spoke discourteously to § 87(2)(b) (**Allegation F: Discourtesy**, § 87(2)(g)) and outside of § 87(2)(b) in the Bronx, PO Perlmutter spoke discourteously to § 87(2)(b) (**Allegation G: Discourtesy**, § 87(2)(g)). Outside of § 87(2)(b) in the Bronx, PO Mauro allegedly interfered with § 87(2)(b)'s use of a recording device and threatened to arrest § 87(2)(b) (**Allegation H: Abuse of Authority**, § 87(2)(g) and **Allegation I: Abuse of Authority**, § 87(2)(g)). At § 87(2)(b) in the Bronx, an officer stopped, frisked, and searched § 87(2)(b) (**Allegations J-L: Abuse of Authority**, § 87(2)(g)).

En route to the 44th Precinct stationhouse, PO Piro spoke discourteously to § 87(2)(b) (**Allegation M: Discourtesy**, § 87(2)(g)). At the 44th Precinct stationhouse, PO Mauro and PO Piro spoke discourteously to § 87(2)(b) (**Allegations N and O: Discourtesy**, § 87(2)(g)). In the basement of § 87(2)(b) in the Bronx, an officer used offensive language toward § 87(2)(b) (**Allegation P: Offensive Language**, § 87(2)(g)). In the basement of § 87(2)(b) in the Bronx, an officer spoke discourteously to § 87(2)(b) and made remarks to § 87(2)(b) based upon the perceived gender of § 87(2)(b) (**Allegation Q: Discourtesy**, § 87(2)(g) and **Allegation R: Offensive Language**, § 87(2)(g)). In the basement of § 87(2)(b) in the Bronx, PO Perlmutter allegedly made remarks to § 87(2)(b) based upon the perceived sexual orientation of § 87(2)(b) (**Allegation S: Offensive Language**, § 87(2)(g)). Outside of § 87(2)(b) Sgt. Bowman damaged § 87(2)(b)'s property and seized § 87(2)(b)'s property (**Allegations T and U: Abuse of Authority**, § 87(2)(g)). Outside of § 87(2)(b) in the Bronx, PO Mauro seized § 87(2)(b)'s property (**Allegation V: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) was arrested during this incident. No other civilians were arrested or summonsed.

The officers' body-worn camera footage and cell phone footage taken by § 87(2)(b) were obtained in this case and will be discussed in further detail below.

Findings and Recommendations

Allegation (A) Abuse of Authority: Sergeant Michael Bowman entered § 87(2)(b) in the Bronx.

The investigation established the following facts:

On October 16, 2018, at approximately 6:44 p.m., a group of approximately 10 to 15 neighbors and friends including § 87(2)(b) and § 87(2)(b) were outside § 87(2)(b) smoking hookah. Sgt. Bowman, PO Piro, PO Mauro, PO Flores, and PO Perlmutter were driving by the location and stopped to address the crowd. Upon seeing the officers, § 87(2)(b) fled inside of § 87(2)(b) into § 87(2)(b) where he did not live, with a bag. When the officers arrived at § 87(2)(b) door, the occupant of the apartment, § 87(2)(b) opened the door. There was also a second unidentified occupant inside of § 87(2)(b). PO Piro pointed his gun at § 87(2)(b) who was in the kitchen area of the apartment. Sgt. Bowman, PO Piro, PO Mauro, PO Flores, and PO Perlmutter entered the apartment. PO Piro and PO Mauro searched the kitchen area of the apartment for the bag § 87(2)(b) initially secured to his person when he first fled into the building. § 87(2)(b) was arrested for § 87(2)(b). After § 87(2)(b) was arrested and lodged at the 44th Precinct stationhouse, all of the officers returned to the basement of § 87(2)(b) where § 87(2)(b) and § 87(2)(b) live, and entered it. The crowd, which had previously been outside when § 87(2)(b) fled, followed the officers into the basement. The officers then left the basement without taking any law enforcement action. Upon leaving, Sgt. Bowman kicked over § 87(2)(b)'s hookah and broke it, and took the hookah pipe. PO Mauro took § 87(2)(b)'s folding chair from the sidewalk. The rest of the details of this case are in dispute.

§ 87(2)(b) (BR 01) testified that she, her husband, § 87(2)(b) and her son, § 87(2)(b) live in the basement of § 87(2)(b). § 87(2)(b) and her family are the superintendents of § 87(2)(b) in the Bronx and have been so for 20 years. On October 16, 2018, § 87(2)(b) and § 87(2)(b) were outside when § 87(2)(b), a resident of § 87(2)(b), informed § 87(2)(b) that there was a leak in his apartment. Because § 87(2)(b) had a knee injury, she asked § 87(2)(b) to investigate the leak. § 87(2)(b) went to § 87(2)(b) in order to find where the leak was originating and called § 87(2)(b) while investigating the leak. Once inside § 87(2)(b), § 87(2)(b) heard through the phone loud knocking and a voice saying, "Police." § 87(2)(b) then told § 87(2)(b) that the officers were there to arrest him, but he denied any wrongdoing.

Six calls were placed to § 87(2)(b) at the number § 87(2)(b) provided for him, but § 87(2)(b) did not return these contact attempts. Three letters were also sent to § 87(2)(b) but he also did not contact the investigation in regard. As such, § 87(2)(b) was unavailable to the investigation.

Three calls were placed to § 87(2)(b) the occupant of § 87(2)(b) at the number listed for him in the UF-61. After the third call, § 87(2)(b) contacted the investigation from a number longer than ten digits and said that someone came inside his apartment and police responded. The call was then dropped and a call was immediately returned to the number, which resulted in a busy signal. Subsequent calls were placed to § 87(2)(b) at the number listed in the UF-61, but § 87(2)(b) did not respond to the calls. Three letters were sent to § 87(2)(b) at § 87(2)(b) as well as to an address returned in a CLEAR

search. § 87(2)(b) did not respond to the aforementioned correspondence and was therefore uncooperative with the investigation.

Sgt. Bowman, PO Piro, PO Mauro, PO Flores, and PO Perlmutter (BR 02-06) provided generally consistent testimony that as they approached the crowd, § 87(2)(b) secured a bag to his person and fled inside the building. Because § 87(2)(b) secured the bag to his person and fled upon seeing the police, the officers believed § 87(2)(b) may have had contraband in the bag and followed him into the building, but lost sight of him. The officers heard a commotion outside of § 87(2)(b) knocked on the door, and identified themselves as police officers. When § 87(2)(b) opened the door, he told the officers that § 87(2)(b) identified himself as the super, pushed his way into the apartment, and threw a bag out the window. The officers then entered the apartment. § 87(2)(b) did not have the bag the officers originally saw and § 87(2)(b) told the officers he threw the bag out the window.

Sgt. Bowman, PO Piro, and PO Perlmutter described the bag as “satchel.” PO Piro added that § 87(2)(b) also picked up a second black, plastic bag, similar to a bodega bag. PO Mauro described the bag as a black plastic bag and PO Flores described the bag as a fanny pack.

Sgt. Bowman (BR 02) specified that when he got to § 87(2)(b) he heard § 87(2)(b) telling § 87(2)(b) to “get out” through the door. When § 87(2)(b) opened the door, Sgt. Bowman asked him if § 87(2)(b) was allowed to be in the apartment and § 87(2)(b) said no. The officers then entered the apartment, to which § 87(2)(b) did not protest, and arrested § 87(2)(b).

PO Piro (BR 03) added that when he arrived to § 87(2)(b) he heard § 87(2)(b) panting and begging § 87(2)(b) to hide his bag and not let the officers inside the apartment. § 87(2)(b) opened the door, let the officers in and said, “He’s not supposed to be here. I don’t know who he is.”

PO Mauro (BR 04) said that when § 87(2)(b) opened the door, he said that § 87(2)(b) did not live there and that § 87(2)(b) entered his apartment and threw a black bag out the window. § 87(2)(b) did not specify how § 87(2)(b) got in the apartment. PO Mauro did not recall if he asked § 87(2)(b) about the black bag or if § 87(2)(b) brought the bag up independently.

PO Flores (BR 05) testified that § 87(2)(b) told him that § 87(2)(b) identified himself as the super and when § 87(2)(b) opened the door slightly, § 87(2)(b) pushed himself into the apartment without permission to evade the police. § 87(2)(b) also told PO Flores that § 87(2)(b) threw the bag out the window.

PO Perlmutter (BR 06, 23) did not recall any specific statements § 87(2)(b) made after opening the door.

§ 87(2)(g)
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§ 87(2)(g)

Allegation (B) Force: Inside of § 87(2)(b) in the Bronx, Police Officer Gregory Piro pointed his gun at § 87(2)(b)

§ 87(2)(b) (BR 01) testified that a neighbor, § 87(2)(b) told her that all of the officers had their guns out, but § 87(2)(b) did not say if the officers pointed their guns at anyone.

§ 87(2)(b) did not see this herself. Neither § 87(2)(b) nor § 87(2)(b) mentioned officers pointing their guns at § 87(2)(b).

According to PO Mauro's body-worn camera footage (BR 07-08), which begins with § 87(2)(b) inside § 87(2)(b)'s apartment, § 87(2)(b) is standing with his back to the wall, facing PO Piro. PO Piro's right hand is at his side and his left hand is pointing toward § 87(2)(b). It is not clear if PO Piro is holding anything at this time. PO Mauro approaches § 87(2)(b) and grabs his right arm. PO Piro then holsters his weapon (<<18:36:40 – 18:36:47>>). There is no audio during this point of the footage.

PO Piro (BR 03) testified that when § 87(2)(b) pointed to § 87(2)(b) inside the kitchen, PO Piro drew his gun and pointed it at § 87(2)(b) because § 87(2)(b)'s back was to him and he could not see his hands. PO Piro also drew his weapon because § 87(2)(b) had forced his way inside the apartment and had been trying to hide something. PO Piro did not point his weapon for any other reason.

The decision to display or draw a firearm should be based on an articulable belief that the potential for serious physical injury is present. When a uniformed member of the service determines that the potential for serious physical injury is no longer present, the uniformed member of the service will holster the firearm as soon as practicable. NYPD Patrol Guide Procedure 221-01 (BR 09).

§ 87(2)(g)

Allegation (C) Police Officer Gregory Piro searched § 87(2)(b) in the Bronx.

Allegation (D) Police Officer Vincent Mauro searched § 87(2)(b) in the Bronx.

As previously stated, § 87(2)(b) was uncooperative with the investigation.

In PO Piro's body-worn camera footage (BR 10, 08), which begins with PO Piro in the kitchen area of the apartment, PO Piro moves the curtain in the kitchen to look out the window, and picks up a clear bag of garbage. PO Piro then instructs PO Mauro to "toss the location."

In PO Mauro's body-worn camera footage (BR 07-08), after § 87(2)(b) is arrested, PO Mauro uses his flashlight to illuminate areas of the kitchen. PO Mauro lifts up a lid to a pot which is on the stove. One of the occupants in the apartment says, "If he didn't throw it in there, he threw it outside the window." PO Mauro does not respond and continues searching the kitchen. The occupant says, "He probably threw it outside the window." PO Mauro again does not respond, removes garbage bags from in between a counter and the wall, and opens kitchen cabinets, which appear to contain Tupperware. The occupant says, "I'm sure he threw it outside the window because he was trying..." PO Mauro says, "We'll come back. If you find it, don't touch it. We'll be back." PO Mauro then exits the apartment (<<18:38:27 – 18:29:02>>). No other officer assists PO Mauro in the search.

PO Piro (BR 03) testified that after § 87(2)(b) was handcuffed, he searched the kitchen area, where § 87(2)(b) had been standing upon his entry into the apartment, to see if

the bag, which § 87(2)(b) and § 87(2)(b) said was thrown out the window, was in plain view. PO Piro denied opening any cabinets within the kitchen and did not recall if any other officer assisted him in searching the kitchen area. PO Piro looked out the window, which led to a “back alleyway, courtyard area,” but did not see the bag because it was dark.

PO Mauro (BR 04) testified that he “looked around” the kitchen area to see if he could locate the bag § 87(2)(b) discarded. PO Mauro opened cabinets and drawers to find the bag. § 87(2)(b) did not object to the search of the kitchen. PO Mauro reviewed his body-worn camera footage during his interview and testified that although the occupant of the apartment tells him § 87(2)(b) threw the bag out the window, he continues to search because he has “probable cause” to search the area in which § 87(2)(b) was standing. PO Mauro did not recall specifically asking the occupant of the apartment for consent to search, but did not need consent.

§ 87(2)(g)

Allegation (E) Inside § 87(2)(b) in the Bronx, Police Officer Gregory Piro used offensive language based upon the gender of § 87(2)(b)

According to § 87(2)(b) (BR 01), when § 87(2)(b) informed her over the phone that the officers were inside the apartment to arrest him, she informed her husband, § 87(2)(b) and all of their neighbors of the situation. § 87(2)(b) and approximately 10 to 12 of the neighbors went up the stairs to the fifth floor. As they did so, the officers came down the stairs with § 87(2)(b) in handcuffs. § 87(2)(b) asked the officers why they arrested § 87(2)(b) and explained that they have been the superintendents of the building for “20 something years.” PO Piro responded, “I don’t care, bitch. You have to move.”

PO Piro (BR 03) denied having any conversation with § 87(2)(b) or calling her a “bitch.” Sgt. Bowman and PO Mauro did not hear any officer call § 87(2)(b) a “bitch.” PO Perlmutter and PO Flores did not recall hearing any officer use profanity during the incident.

PO Piro’s body-worn camera footage (BR 10, 08) shows him going down the stairs after § 87(2)(b) is arrested. § 87(2)(b) is not with PO Piro. A female comes up the stairs and says, “Why are you hitting him?” The female is not totally visible in the frame, but the investigation identified her voice as § 87(2)(b). PO Piro responds, “We’re not hitting anybody. Shut up. Hitting him. You’re not even there,” and continues walking down the stairs (<<18:38:38 – 18:39:20>>). At no point does PO Piro call § 87(2)(b) a “bitch.”

§ 87(2)(g)

Allegation (F) Discourtesy: Inside of § 87(2)(b) in the Bronx, Police Officer Jorge Flores spoke discourteously to § 87(2)(b)

Allegation (G) Discourtesy: Outside of § 87(2)(b) in the Bronx, Police Officer Anthony Perlmutter spoke discourteously to § 87(2)(b)

Allegation (M) Discourtesy: En route to the 44th Precinct stationhouse, Police Officer Gregory Piro spoke discourteously to § 87(2)(b)

Allegation (N) Discourtesy: At the 44th Precinct stationhouse, Police Officer Vincent Mauro spoke discourteously to § 87(2)(b)

Allegation (O) Discourtesy: At the 44th Precinct stationhouse, Police Officer Gregory Piro spoke discourteously to § 87(2)(b)

As previously stated, § 87(2)(b) was unavailable to the investigation.

PO Flores' body-worn camera footage (BR 11, 08) captures PO Perlmutter walking § 87(2)(b) to the stairs while PO Flores follows behind. PO Flores says, "You had a black bag and you had a fanny bag on you." § 87(2)(b) responds, "I did not have no black bag. I had a fanny bag." PO Flores says, "Yeah, you did. Shut up, bro. Acting like an idiot" (<<18:35:35 – 18:38:38>>).

PO Flores (BR 05) originally denied calling § 87(2)(b) an "idiot" and did not recall otherwise speaking discourteously to him at the scene of his arrest. After reviewing his body-worn camera footage, PO Flores could not recall why he called § 87(2)(b) an "idiot," but said he did not mean it in a discourteous way.

PO Perlmutter's body-worn camera footage (BR 12, 08) shows him escorting § 87(2)(b) out of the building. Other civilians follow the officers out of the building. PO Mauro tells PO Perlmutter to put § 87(2)(b) in the car and PO Perlmutter starts walking down the sidewalk. PO Perlmutter says, "Let's go, motherfucker," to § 87(2)(b) (<<18:40:58 – 18:41:19>>).

PO Perlmutter (BR 06, 23) did not recall calling § 87(2)(b) a "motherfucker" or using any profanity during the incident. After watching his body-worn camera footage, PO Perlmutter said he called § 87(2)(b) a "motherfucker" due to adrenaline.

PO Piro (BR 03) denied using any profanity toward § 87(2)(b) en route to the stationhouse and did not recall using any profanity toward § 87(2)(b) at the 44th Precinct stationhouse.

In PO Piro's body-worn camera footage (BR 10, 08), while en route to the 44th Precinct stationhouse, PO Mauro says to § 87(2)(b) "You're pretty slow, bro. You know that, right?" § 87(2)(b) responds, "I can't run. I'm fat. I don't want y'all to take my money" to which PO Piro responds, "You're full of shit. Just stop" (<<18:47:05 – 18:47:11>>). Upon arriving at the 44th Precinct stationhouse, PO Piro says, "You're on fucking weightwatchers now," as § 87(2)(b) is exiting the van (<<18:48:40>>). Inside the stationhouse at the desk, PO Piro tells § 87(2)(b) "1405's fucked" (<<18:49:44>>) and "I'm not fucking doing it for you," while § 87(2)(b) is taking off his socks inside the cell area (<<18:59:40>>). § 87(2)(b) responds to this comment, but his exact statement is inaudible.

After reviewing his body-worn camera footage, PO Piro said he said, "You're full of shit" to his partner, not § 87(2)(b). PO Piro explained that his comment, "I'm not fucking doing it for you," in the cell area was "just a comment" and was not directed toward § 87(2)(b).

PO Mauro (BR 04) did not recall using any profanity at the 44th Precinct stationhouse. In PO Mauro's body-worn camera footage (BR 07-08), at the 44th Precinct stationhouse near the desk area, while PO Piro is frisking § 87(2)(b) PO Mauro says, "Fucking running from cops, bro" (<<18:50:01>>). § 87(2)(b) does not respond to this comment. After reviewing this portion of his body-worn camera footage, PO Mauro said he was speaking to himself and did not curse at § 87(2)(b).

Officers are prohibited from using discourteous or disrespectful remarks in their interactions with the public. NYPD Patrol Guide Procedure 203-10 (BR 13).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (H) Abuse of Authority: Outside of § 87(2)(b)

Allegation (I) Abuse of Authority: Outside of § 87(2)(b)

§ 87(2)(b) (BR 14) testified that when the officers came outside with § 87(2)(b)

he recorded the incident from the middle of the road while the officers were on the

Flores approached § 87(2)(b) and asked him, “You want problems? Stop recording.” §

§ 87(2)(b) said no and that he had a right to record. PO Flores asked Sgt. Bowman, "Can I

§ 87(2)(b) (BR 15) provided consistent testimony with that of § 87(2)(b)

added that § 87(2)(b) was 15 feet away from the officers recording the incident when PO

In PO Mauro's body-worn camera footage (BR 07-08), PO Perlmutter is standing with

§ 87(2)(b) as civilians exit the building. § 87(2)(b) who is wearing a black shirt,

gray pants, and black baseball cap, stands next to § 87(2)(b) and tells him that an officer

said that § 87(2)(b) had a gun. PO Mauro and PO Perlmutter then begin walking down the

sidewalk with § 87(2)(b) PO Mauro turns around and says, “Yo. Listen, boss. Back up,

okay? Back up. Stop recording. Record all you want, but back up," to § 87(2)(b) § 87(2)(b)

§ 87(2)(b) is holding up a phone in his right hand and says, "Okay. I'll back up." PO Flor

not captured in the video footage interacting with § 87(2)(b) (<<18:41:02 – 18:41:27>>).

PO Mauro continues to walk down the sidewalk and stands in the street at the back of the police

vehicle. PO Mauro then turns away from the police van and says to § 87(2)(b) who is in

the street recording, “Yo. Do you understand? I told you to stay on the sidewalk or I’m taking yo

with me. You understand?" as § 87(2)(b) walks backward toward the sidewalk. § 87(2)(b)

§ 87(2)(b) says, “Why’re you gonna take me with you? I didn’t do nothing wrong”

($\ll 18:41:53 - 18:42:06 \gg$).

PO Mauro (BR 04) testified that the large crowd encroached on the area near the police van. PO Mauro told the individuals that they had to remain on the sidewalk and could record the incident from there. The individuals could have been arrested for obstruction of governmental administration (OGA) for interfering with officers placing § 87(2)(b) in the van; however, PO Mauro did not have any particular memory of § 87(2)(b) interfering with the process of placing § 87(2)(b) into the van. After reviewing his body-worn camera footage, PO Mauro said that § 87(2)(b) could have been arrested for obstructing vehicle traffic, a disorderly conduct statute, since § 87(2)(b) was recording in the street.

Although § 87(2)(b) and § 87(2)(b) testified that PO Flores was the officer who interacted with § 87(2)(b) body-worn camera footage revealed that PO Mauro is the officer that in fact interacts with § 87(2)(b) and therefore was deemed the subject officer of Allegations H and I.

A person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he obstructs vehicular or pedestrian traffic. New York State Penal Law 240.20 (BR 16).

§ 87(2)(g)

§ 87(2)(g)

Allegation (J) Abuse of Authority: At § 87(2)(b) in the Bronx, an officer stopped

§ 87(2)(b)

Allegation (K) Abuse of Authority: At § 87(2)(b) in the Bronx, an officer frisked

§ 87(2)(b)

Allegation (L) Abuse of Authority: At § 87(2)(b) in the Bronx, an officer searched

§ 87(2)(b) (BR 01) testified that once the officers left the location with § 87(2)(b) she and her neighbors remained outside the building. One of § 87(2)(b)'s neighbors, who lives in § 87(2)(b), told her that one of the officers patted her down and searched her because the police thought § 87(2)(b) gave her a gun.

§ 87(2)(b) (BR 14) did not see an officer pat down a female and/or enter her pockets and § 87(2)(b) (BR 15) did not recall if he saw an officer do this.

The investigation performed a CLEAR search for § 87(2)(b) which revealed that § 87(2)(b) lived at the apartment. The investigation sent a please call letter addressed to § 87(2)(b) who contacted the investigation in regard and said she did not witness the incident, but her daughter did. § 87(2)(b) refused to provide any contact information for her daughter and said she could be reached on her number. Subsequent calls to § 87(2)(b) were unsuccessful in reaching her daughter, who § 87(2)(b) eventually identified as § 87(2)(b). A LexisNexis search was performed for § 87(2)(b) which returned a telephone number, but the

number was not in service. Additional letters were sent to § 87(2)(b) but she did not respond to these letters.

PO Mauro, PO Piro, and PO Perlmutter denied stopping a female, frisking her, and entering her pockets, and PO Flores and Sgt. Bowman did not recall doing so.

§ 87(2)(g)

Allegation (P) Offensive Language: In the basement of § 87(2)(b) in the Bronx, an officer used offensive language toward § 87(2)(b)

Allegation (Q) Discourtesy: In the basement of § 87(2)(b) in the Bronx, an officer spoke discourteously to § 87(2)(b)

Allegation (R) Offensive Language: In the basement of § 87(2)(b) in the Bronx, an officer made remarks to § 87(2)(b) based upon the perceived gender of § 87(2)(b)

Allegation (S) Offensive Language: In the basement of § 87(2)(b) in the Bronx, Police Officer Anthony Perlmutter made remarks to § 87(2)(b) based upon the perceived sexual orientation of § 87(2)(b)

It is undisputed that after the officers lodged § 87(2)(b) at the 44th Precinct stationhouse, they returned to the basement of § 87(2)(b) where § 87(2)(b) and § 87(2)(b) live.

§ 87(2)(b) and § 87(2)(b) provided generally consistent testimony that after the officers left, the neighbors remained outside the building. When the officers returned, they proceeded through the gate which surrounds the building, and immediately went to the basement. All of the neighbors followed the officers into the basement and told them they had to leave.

§ 87(2)(b) did not allege that an officer used offensive language or discourteous language to her or any other individual inside the basement.

§ 87(2)(b) provided video (BR 17-18) of the officers entering the basement which was taken by § 87(2)(b). In the video, the officers proceed through a gate, into an alley, and into the basement, the door to which is open. The basement is a long hallway with a washing machine, firehoses, fire extinguishers, garbage cans, and an elevator. There are several closed red doors throughout the hallway. No living quarters are captured in the video. The officers stand in the hallway while the crowd of civilians yell at the officers. The majority of the conversation is inaudible.

§ 87(2)(b) (BR 14) said an officer, whom he could not identify, called § 87(2)(b) a “whore” inside the basement. § 87(2)(b) testified that an officer, whom the investigation identified as PO Perlmutter, called him a “faggot.” § 87(2)(b) further stated that an officer, whom he could not identify, called § 87(2)(b) who he could not remember, in the basement a “dumbass” and a “bitch.”

PO Mauro, PO Piro, PO Perlmutter, PO Flores, and Sgt. Bowman all denied calling § 87(2)(b) a “whore.” PO Mauro, PO Piro, PO Flores and Sgt. Bowman denied using the word “bitch” or calling § 87(2)(b) a “dumbass.” PO Perlmutter did not recall calling

§ 87(2)(b) a “dumbass.” PO Perlmutter (BR 06, 23) did not recall calling § 87(2)(b) a “faggot.”

There is no body-worn camera footage of this portion of the incident.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (T) Abuse of Authority: Outside § 87(2)(b) in the Bronx, Sergeant Michael Bowman damaged § 87(2)(b)'s property.

Allegation (U) Abuse of Authority: Outside of § 87(2)(b) in the Bronx, Sergeant Michael Bowman seized § 87(2)(b)'s property.

Allegation (V) Abuse of Authority: Outside of § 87(2)(b) in the Bronx, Police Officer Vincent Mauro seized § 87(2)(b)'s property.

It is undisputed that Sgt. Bowman damaged § 87(2)(b)'s hookah and took the hookah pipe back to the stationhouse. It is further undisputed that PO Mauro took a folding chair off the sidewalk and took it back to the stationhouse.

§ 87(2)(b) (BR 01) testified that she later learned through neighbors that the officers intentionally kicked over a hookah, which was on the sidewalk, and took chairs off the sidewalk.

§ 87(2)(b) (BR 14) added that an officer either kicked or picked up his hookah, causing it to break, and took the hookah pipe, charcoals, flavor for the hookah, and folding chair, which belonged to § 87(2)(b) § 87(2)(b) (BR 15) was generally consistent with § 87(2)(b) but added that an officer passed the hookah to another officer before intentionally throwing the glass base of the hookah to the ground.

The video that § 87(2)(b) provided to the investigation (BR 17-18) captures the officers leaving the basement area, followed by the civilians, and walking on the sidewalk near the front of § 87(2)(b) Sgt. Bowman extends his right leg and makes contact with the hookah with his right foot. A shattering sound is then heard. The civilians start cheering in the background. Sgt. Bowman picks up the hookah pipe and PO Mauro picks up a red lawn chair. An additional glass shattering sound is heard. The officers then walk toward the street without saying anything to the crowd (<<3:32 – 4:25>>).

Sgt. Bowman (BR 02) testified that the hookah had a lit coal on top of it and he asked the civilians who owned the hookah, but no one responded. Sgt. Bowman kicked the lit coal off the hookah to extinguish it to prevent any kind of fire. The hookah did not break. The officers also asked who owned the folding chairs, but again no one responded. The officers took the property because there was “no owner” and as such the property was deemed abandoned. Sgt. Bowman did not recall if the property was vouchered as abandoned property or arrest evidence.

Sgt. Bowman reviewed the cell phone video footage § 87(2)(b) provided and testified that he did not independently remember the hookah breaking and he did not intentionally break it. Sgt. Bowman reiterated that he took the hookah pipe to the precinct to be vouchered because no one claimed ownership.

PO Mauro (BR 04) originally testified that he did not recall taking a lawn chair from the sidewalk after leaving the basement. After watching the video, PO Mauro said that he took the lawn chair because it was on the street and no one took ownership of it. PO Mauro did not ask who the chair belonged to, but “no one said it was theirs.”

The property vouchers obtained for this incident did not include vouchers for a hookah pipe or lawn chair (BR 19).

Officers are expected to interact with members of the public in a professional manner. NYPD Patrol Guide Procedure 203-09 (BR 20).

Officers must record and process property coming into police custody. NYPD Patrol Guide Procedure 218-01 (BR 21).

§ 87(2)(g)

§ 87(2)(g)

Allegations Not Pleaded

- § 87(2)(g)
- § 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been a party to one prior CCRB complaint and has been named as a victim in one allegation (BR 22):
 - § 87(2)(b)
- This is the first complaint to which § 87(2)(b) and § 87(2)(b) have been a party (BR 23-25).
- Sgt. Bowman has been a member of service for 13 years and has been a subject in six CCRB complaints and 11 allegations, none of which was substantiated. § 87(2)(g)

- PO Piro has been a member of service for two years and has been named a subject in three CCRB complaints and seven allegations, none of which was substantiated. Two of the seven allegations were discourtesy – word.
- PO Mauro has been a member of service for three years and has been a subject in eight CCRB complaints and 10 allegations, none of which was substantiated. § 87(2)(g)
- PO Flores has been a member of service for five years and has been a subject in six cases and 11 allegations, one of which was substantiated:
 - 201608051 involved a substantiated allegation of refusal to obtain medical treatment. The Board recommended charges and the NYPD imposed formalized training.
 - § 87(2)(g)
- PO Perlmutter has been a member of service for two years and this is the first CCRB complaint to which he has been a subject.

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- As of April 5, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this incident (BR 27).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: _____

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date